

REMARKS

Applicants have canceled claims 1-45 and added new claims 46-63, directed to compositions of the present invention comprising a foam component, as well an absorbent article comprising said composition and a method of using the composition to deliver active ingredients to an aqueous environment. Support for the new claims can be found in claims 1-45 and the specification, (see specifically, pages 26-27).

No new matter has been added by this amendment. Entry is believed to be proper and respectfully requested.

Upon entry of this amendment, Claims 46-63 are pending. No additional claim fee is due.

REJECTIONS & OBJECTIONS

Provisional Double Patenting Rejection

Claims 23-45 are provisionally rejected under 35 USC 101 and the judicially created doctrine of obviousness-type double patenting, as claiming the same invention as that of copending US Application Serial No. 10/089,328.

Applicants submit that Claims 23-45 have been canceled; thus, the rejection is moot.

Withdrawal of this provisional rejection is respectfully requested.

Claim Rejections under 35 USC §103 over Albert, McDermott et al., Bastioli et al. or JP-B-48001500

The Examiner rejects Claims 23-45 under 35 USC 103(a) as being unpatentable over any one of Albert (US 3,695,989), McDermott et al. (US 5,543,439), Bastioli (US 5,736,586) or JP-B-48001500 (herein after "JP '500"). The Examiner states that Albert discloses foam made of primarily polyvinyl alcohol which performs in the manner called for in the claims. The Examiner also states that Bastioli et al. discloses a foam composition containing primarily of water soluble polysaccharides and a plasticizer; JP '500 discloses a composition containing primarily of polyvinyl alcohol; and the foams of McDermott et al., made of primarily polyvinyl alcohol; therefore, these compositions/foams would also be stable in air and inherently unstable in water.

First, Applicants submit that Claims 23-45 have been canceled. Thus, the rejection is moot. Moreover, Applicants submit that the pending claims 46-63 are patentable over the cited references for the following reasons.

The presently claimed invention is directed to a composition comprising a foam component, and a process of making the same, wherein the foam component is comprises a polymeric material and an active ingredient, in the form of particle, sheet or encapsulate.

Albert discloses water-soluble foam plastic package in the form of films, which are made from a film casting process (see Col 3, lines 29-36). Bastioli et al. discloses compositions containing polysaccharides, which are first extruded into foamable pellets, and upon foaming, they can be used as loose fillers for packaging (see Col. 5, line 66-Col. 6, line 16, and Col. 2, line 46). JP '500

discloses compositions containing polyvinyl alcohol resin in the form of filaments, pellets, sheets, etc.

Applicants submit that none of these references teaches or suggests an active ingredient as part of the foam component. Moreover, since Albert and Bastioli are directed to foam package materials and JP '500 is silent as to the intended application, there is no motivation in the cited references to make such composition comprising an active ingredient as part of the foam component in the composition.

McDermott discloses fragrance-containing polyvinyl alcohol material in the form of extruded blocks. Applicants submit that McDermott does not teach or suggest a composition comprising a foam component in the form of particle, sheet or encapsulate.

With respect to claim 42, none of the cited references teach or suggest an absorbent article comprising the composition of the present invention.

Based on the foregoing, Applicants respectfully submit that the cited references fail to establish a *prima facie* case of obviousness. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections.

Claim Objections under 35 USC 112, Second Paragraph

The Examiner also rejects claims 23-45 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that the terms "plasticizer", "dissolution aid" and "active ingredient" are indefinite and so broad in that the terms read on the addition of one ingredient to the composition to satisfy the use of all three terms.

Applicants submit that claims 23-45 have been canceled; thus, the rejection is moot.

Therefore, Applicants respectfully request reconsideration and withdrawal of the objections.

CONCLUSION

Applicant believes the present amendment is fully responsive and places Claims 46-63 in condition for allowance.

In the event that issues remain prior to allowance of the noted claims, the Examiner is invited to call Applicant's undersigned attorney to discuss any remaining issues.

Respectfully Submitted,
FOR: Corrand et al.



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